

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL DEONTRAY WILLIAMS,

Plaintiff,

v.

PFEIFFER, *et al.*,

Defendants.

Case No. 1:20-cv-01094-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS AND  
DEFENDANTS

(ECF No. 18)

Plaintiff Michael Deontray Williams (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 2, 2020, the assigned Magistrate Judge screened Plaintiff’s complaint and found that Plaintiff stated a cognizable claim for excessive force in violation of the Eighth Amendment against Defendants Atkinson, Cervantes, and John Doe for the incident on August 31, 2018, but failed to state any other cognizable claims for relief. The Magistrate Judge ordered Plaintiff to either file a first amended complaint or notify the court of his willingness to proceed only on the cognizable claims. (ECF No. 14.) On October 21, 2020, Plaintiff filed a motion to amend the complaint and a notice of his willingness to proceed on the cognizable claims identified by the Court. (ECF Nos. 15, 16.)

As it appeared Plaintiff did not intend to file an amended complaint, but rather did not have enough information to identify Defendant John Doe, the Magistrate Judge denied the motion

1 to amend without prejudice and issued findings and recommendations recommending that this  
2 action proceed on Plaintiff's complaint against Defendants Atkinson, Cervantes, and John Doe  
3 for excessive force in violation of the Eighth Amendment for the incident on August 31, 2018.  
4 (ECF No. 18.) The Magistrate Judge further recommended that all other claims and defendants  
5 be dismissed based on Plaintiff's failure to state claims upon which relief may be granted. (*Id.*)  
6 The findings and recommendations were served on Plaintiff and contained notice that any  
7 objections were to be filed within fourteen (14) days after service. (*Id.* at 17.) No objections  
8 have been filed, and the deadline to do so has expired.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
10 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
11 findings and recommendations to be supported by the record and by proper analysis.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. The findings and recommendations issued on October 23, 2020, (ECF No. 18), are  
14 adopted in full;
- 15 2. This action shall proceed on Plaintiff's complaint, filed July 21, 2020, (ECF No. 1),  
16 against Defendants Atkinson, Cervantes, and John Doe for excessive force in violation  
17 of the Eighth Amendment for the incident on August 31, 2018;
- 18 3. All other claims and all other defendants are dismissed from this action for failure to  
19 state a claim upon which relief may be granted; and
- 20 4. This action is referred back to the Magistrate Judge for proceedings consistent with  
21 this order.

22  
23 IT IS SO ORDERED.

24 Dated: December 2, 2020

  
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28 SENIOR DISTRICT JUDGE